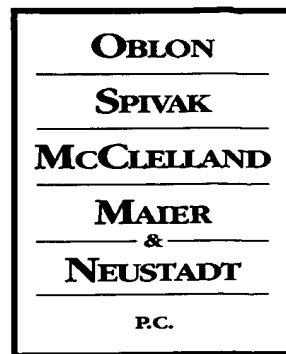




Docket No.: 217734US6

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/026,740
Applicants: Yuhei KOBAYASHI
Filing Date: December 27, 2001
For: OPTICAL DISC RECORDING AND/OR
REPRODUCING APPARATUS AND ABERRATION
ADJUSTMENT METHOD
Group Art Unit: 2655
Examiner: ORTIZ CRIADO, J.L.

SIR:

Attached hereto for filing are the following papers:

Response to Restriction Requirement

We have not included a check as we do not believe any fee is required. In the event there are any Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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DOCKET NO: 217734US6



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
YUHEI KOBAYASHI : EXAMINER: ORTIZ CRIADO, J.L.
SERIAL NO: 10/026,740 :
FILED: DECEMBER 27, 2001 : GROUP ART UNIT: 2655
FOR: OPTICAL DISC RECORDING :
AND/OR REPRODUCING APPARATUS
AND ABERRATION ADJUSTMENT
METHOD

AMENDMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement stated in the Official Action dated April 19, 2005, Applicants in the above-identified patent application provisionally elect Group Ia, Claims 1-4, drawn to an optical recording/reproducing apparatus.

The Restriction Requirement asserts that the application contains claims to distinct inventions. However, MPEP §803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

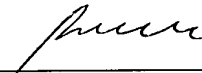
The claims of the present invention would appear to be of an overlapping search area.

Accordingly, Applicants respectfully **traverse** the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

However, if the present Restriction Requirement is not withdrawn, examination on the merits of the Claims of Group Ia is believed to be in order, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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